

A Safer World For The Truth

**The Case for Transparency:
*Opportunities for Justice in the Case
of Pedro Palma and Beyond***



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A Safer World for the Truth is a collaborative initiative of Free Press Unlimited, the Committee to Protect Journalists and Reporters without Borders. A Safer World for the Truth works towards the pursuit of justice for crimes committed against journalists. The project consists of a series of investigations of cases where a journalist was murdered for doing his or her job. The aim of these investigations is to bring new facts and information around the killings to light, paving the way for pursuing justice.



A B R  J I

AUTHORS

Jos Midas Bartman*, Jules Swinkels, Evelien Wijkstra and Jasmijn de Zeeuw

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For questions you can reach out the corresponding author: bartman@freepressunlimited.org

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Abbreviations

BIM - Municipal Information Journal
CCTV - Closed-Circuit Television
CPJ - Committee to Protect Journalists
DEAC - Notary Collection Police Station
GAECO - Special Action Group to Combat Corruption
IACtHR - Inter-American Court of Human Rights
MPRJ - Public Ministry of the State of Rio de Janeiro
PSDB - Brazilian Social Democracy Party
PR - Republic's Party
PT - Workers' Party
RSF - Reporters Without Borders
TCE-RJ - State Audit Court

Executive summary

Pedro Palma was editor-in-chief of the local weekly newspaper, *Panorama Regional*,¹ which frequently reported on corruption in the municipal government of Miguel Pereira in Brazil.² He was shot in front of his house on 13 February 2014, at a time when the Brazilian authorities had actually been making progress towards achieving justice for murdered journalists.³ In these cases, however, that did not end the violence. That year, Reporters Without Borders (RSF) declared Brazil to be one of the world's deadliest countries for journalists.⁴

The vilification of journalists reached a peak under the Bolsonaro administration (2019-2022), however, the murder of journalists and impunity for the perpetrators are long-standing problems in Brazil. Pedro Palma reported on local corruption in a small town and as such was the epitome of a vulnerable journalist.⁵ As of yet, no-one has been prosecuted for his murder. The initial police investigation into the crime was conducted by the Miguel Pereira police station, but was transferred to the Baixada Fluminense Homicide Division in Belford Roxo soon after. In 2022, the case was sent to the 10th Notary Collection Police Station (DEAC), a police unit tasked with working on cold cases from other specialized police stations. Up to now, the police investigation into the murder of Pedro Palma has been shrouded in secrecy. After nearly two years of trying to retrieve the case files, our investigators gained access to the files through Pedro Palma's widow, who was only authorized by the judge to access the police files in 2022.

Our analysis of the investigation reveals that the murder of Pedro Palma was connected to his professional activities. While the police identified several suspects, witnesses, and possible motives, they were unable to link these suspects to the available evidence, and after the last witness was heard in 2017, it became a cold case. With the killers still at large, people in Miguel Pereira are afraid to talk about the case. During our own investigation, we spoke to crucial witnesses who have not yet spoken to the police or anyone else for fear of reprisals. To prevent these reprisals, this report provides an in-depth analysis of the official investigation. In this way, we hope to create avenues of progress for Palma's case and for other investigations in the future.

Our investigation yielded three main findings, namely:

First, there were excessive and undue delays at crucial stages in the official investigation into the murder of Pedro Palma, due to the sluggish communication and unwillingness to act by those within the criminal justice system. The homicide division in charge of the case, repeatedly neglected requests from the Public Ministry for investigative actions to be undertaken. In addition, two eye-witnesses were only heard a month after the murder. These delays rendered an effective investigation impossible.

Second, there was a lack of transparency throughout the investigation. Pedro Palma's widow was not kept informed of the progress of the investigation and only managed to gain access to case files nearly nine years after the murder. Although Pedro Palma's widow has no investigative responsibilities, more transparency would have allowed her and her lawyers to exercise their legal right to propose that additional evidence be collected or witnesses heard,

1 Committee to Protect Journalists. 2014. *Pedro Palma* <https://cpj.org/data/people/pedro-palma/>.

2 Estado de Minas Nacional. 2014. *Jornalista é assassinado a tiros no Rio*. https://www.em.com.br/app/noticia/nacional/2014/02/14/interna_nacional,498331/jornalista-e-assassinado-a-tiros-no-rio.shtml.

3 Committee to Protect Journalists. 2014. *Newspaper owner gunned down in Brazil*. <https://cpj.org/2014/02/newspaper-owner-gunned-down-in-brazil/>.

4 Reporters Without Borders. 2014. *World Press Freedom Index 2014*. <https://rsf.org/en/node/79154>.

5 Article 19. 2016. *The cycle of silence; impunity in murders of communicators in Brazil*. https://www.article19.org/data/files/medialibrary/38542/impunidade_ENG_R04.pdf.

and to scrutinize the investigation to prevent misappropriation of evidence. In light of the lack of action during the investigation, this participation could have been crucial in helping find the perpetrators of the murder.

Third, crucial cell phone data that could have provided more clues about the murder was lost. During our investigation, a police officer from the Baixada Fluminense Homicide Division said he could not find the data that was sent by the telephone operators. Also, persons authorized by the judge to work with the data in 2017, no longer work at the station. These delays in the investigation were detrimental to the possibility of analyzing crucial evidence.

To bring Pedro Palma's killers to justice, and stop impunity for similar murders in the future, A Safer World for the Truth recommends the following:

→ *To the Governor of Rio de Janeiro:*

Transfer the investigation from the 10th DEAC to the Baixada Fluminense Homicide Police Division without delay. The 10th DEAC is underfunded and lacks investigative capacity. Therefore, if it has authority over the case, fears about the effectiveness of the investigation are justified. The Homicide Division has qualified personnel and a better structure for the investigative actions that still need to be taken. This change in jurisdiction must be effectuated by a State Decree from the Governor, who has authority over public security matters.

→ *To the Chief delegate of Civil Police:*

Create an ad hoc specialized police team that can act promptly and efficiently in the case of a murdered journalist. This specialized police team, dedicated to investigating crimes against journalists, must include a Chief of Police and sufficient staff to comply with the outstanding investigative acts. In addition, this team must have access to resources, including specialized professionals and technology, necessary for the prompt collection and analysis of new evidence. This helps prevent violations of the chain of custody of crucial evidence, like phone records.

Improve access to information about criminal investigations, for the relatives of murdered journalists and their legal representatives, and also the general public. Pedro Palma's case demonstrates how important transparency is for the effectiveness of the investigation. In light of that, and the public trust in investigative authorities, police policy on secrecy should be brought in line with international standards. Access to information should be the rule, and secrecy the exception. Secrecy is only permissible if authorities can demonstrate that releasing the information would unequivocally harm the investigation or endanger any fundamental right of the suspects. The investigative interest in secrecy and the public interest in transparency should be carefully weighed up, and legal grounds provided if release of information is refused. Those requesting the information should be informed of the appropriate appeal procedures.

→ *To the Public Ministry:*

Intensify external control of police activity. The Public Ministry must assume its responsibility, as expressed in art. 129, VII of the Brazilian Constitution,⁶ to exercise external control of police activity. In other words, the ministry must ensure the police carry out their work in accordance with the legal and human rights principles related to the matter; this includes guaranteeing that no more than a reasonable length of time is spent investigating crimes against journalists. One way to do this is to demand that any requests to extend the deadline of an investigation must be accompanied by a justification and a detailed description of the efforts already undertaken and the difficulties encountered. If an omission on the part of a police official has been confirmed, the Public Ministry must investigate the facts and call on the police internal affairs

⁶ Constitution of the Federative Republic of Brazil. Art. 129, VII: The Public Ministry's institutional functions are: (...) to exercise external control of police activity, in the form of the complementary law mentioned in the previous article;

department to rectify the omission and, if applicable, condemn the police official, since this act of omission is prohibited by law.⁷

Develop a Criminal Investigation Procedure for crimes against journalists, in order to improve investigative performance assessments. This Criminal Investigations Procedure must be developed in accordance with internal regulations⁸ and international standards for effective investigations, such as those specified in the Minnesota Protocol⁹ and the Guidelines for prosecutors on cases of crimes against journalists.¹⁰ In the Brazilian judicial system, the Public Ministry is the only body that has the authority to prosecute crimes. As it is the final recipient of all evidence of the crime, it can also conduct parallel or complementary investigations that can serve as an assessment of the police investigation.¹¹ By developing a criminal Investigation Procedure for crimes against journalists, this process can be made more effective.

7 A police officer who fails to comply with his legal attributions may commit a crime provided for in the Brazilian Penal Code. For example, the prevarication provided for in art. 319, if the police officer improperly delays or fails to perform an official act (...). Another example is the criminal condensation of art. 320, when it fails, by leniency, to hold accountable a subordinate who committed an infraction in the exercise of the position (...).

8 Ministério Público do Estado do Rio de Janeiro. *GPGJ Resolution No. 1678*, of 09/05/2011.

9 United Nations Human Rights Office of the High Commissioner. 2016. *The Minnesota Protocol on the Investigation of Potentially Unlawful Death; The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*. <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf>.

10 UNESCO & International Association of Prosecutors. 2020. *Guidelines for prosecutors on cases of crimes against journalists*. <https://unesdoc.unesco.org/ark:/48223/pf0000375138>.

11 The Brazilian Constitution of 1988 is very recent and several provisions are still being interpreted by the Superior Courts or changed by parliament. One of these debates concerned the accusatory system and the separation of the functions of investigating, prosecuting and judging. To solve the problem, in 2011, Constitutional Amendment 37 was proposed in parliament, which intended that criminal investigations should be the exclusive activity of the police. In 2013, the proposal was rejected, consolidating the understanding that the Public Ministry has the autonomy to carry out its own investigations, when it deems it necessary.

1. Context of the murder: the vulnerability of local journalists

The vilification of journalism and attacks on journalists in Brazil

In Brazil, the political arena is characterized by lively public debate, and the constitution of Brazil unequivocally grants its citizens the freedom of expression and speech.¹²⁻¹³ However, journalists also risk harassment, vilification and violent attacks.¹⁴ In particular, local journalists who work on a freelance basis or for smaller outlets, are vulnerable to these attacks; they work in environments with high levels of crime and considerable local political pressure, and attacks on them receive less attention.¹⁵ This vilification increased significantly during Jair Bolsonaro's presidential term (2019-2022). Jair Bolsonaro fed the climate of suspicion and hate towards journalists by insulting, degrading, and stigmatizing them.¹⁶ On numerous occasions and during public events, he verbally attacked journalists, referring to them as "wimps", "despicable bastards", and "worse than garbage".¹⁷⁻¹⁸ On 23 August 2020, he even threatened a reporter with violence. When the reporter questioned him about a large sum of money that was transferred by a former aide into the bank account of the president's wife, president Bolsonaro responded by saying: "I want to punch you in the face, OK!"¹⁹⁻²⁰

Under Bolsonaro's presidency, journalists faced multiple forms of attack. Journalists who criticized Bolsonaro were not only the target of his personal insults, they were also harassed, online and offline.²¹⁻²² Journalists positioned in front of the Alvorada presidential palace to cover the presidency, were singled out, and — sometimes violently — attacked by Bolsonaro supporters.²³ In addition, sexist and misogynistic attacks against women journalists increased during his presidency.²⁴ The attacks on Folha de S. Paulo journalist, Patricia Campos Mello, are an example of this disturbing trend. After reporting about the funding of illegal political mass messaging by President Bolsonaro,²⁵ Patricia Campos Mello was falsely accused of offering her sources sex in exchange for information,²⁶ and was a victim of pervasive online harassment and threat campaigns.²⁷

12 Article 5 of the Constitution of the Federative Republic of Brazil provides for the Freedom of Expression.

13 UNESCO. 2021. *Freedom of Expression in Brazil*. <https://en.unesco.org/fieldoffice/brasil/expertise/freedom-expression-brazil>.

14 Freedom House. 2020. *Freedom in the world 2020*. <https://freedomhouse.org/country/brazil/freedom-world/2020>.

15 ABRAJI. 2022. *Monitoramento de ataques à imprensa no Brasil*. https://abraji-bucket-001.s3.sa-east-1.amazonaws.com/uploads/publication_info/details_file/e8854cf1-3ab3-46ea-8573-0137090e0a6f/Relato_rio_Monitoramento_de_atques_a_Jornalistas_no_Brasil_02.05.2022.pdf.

16 Reporters Without Borders. 2021. *Climate of hate and suspicion fed by Bolsonaro*. <https://rsf.org/en/brazil>.

17 Reporters Without Borders. 2021. *Jair Bolsonaro*. <https://rsf.org/en/predator/jair-bolsonaro>.

18 The Guardian. 2020. *Brazil media boycott Bolsonaro residence after abuse of reporters*. <https://www.theguardian.com/world/2020/may/26/brazil-media-boycott-bolsonaro-residence-abuse-of-reporters-suspend-reporting-president-supporters>.

19 Reuters. 2020. *Brazil's Bolsonaro says journalist 'wimps' more likely to die of COVID-19*. <https://www.reuters.com/article/us-brazil-politics-idUSKBN25K2G3>.

20 The Independent. 2020. *'I want to punch you in the face': Bolsonaro threatens Brazilian reporter over corruption questioning*. <https://www.independent.co.uk/news/world/americas/bolsonaro-punch-reporter-video-wife-bank-account-corruption-o-globo-a9685046.html>.

21 Freedom House. 2020. *Freedom in the world 2020*. <https://freedomhouse.org/country/brazil/freedom-world/2020>.

22 Freedom House. 2020. *Freedom in the world 2020*. <https://freedomhouse.org/country/brazil/freedom-world/2020>.

23 Reporters Without Borders. 2021. *Jair Bolsonaro*. <https://rsf.org/en/predator/jair-bolsonaro>.

24 Nacla. 2020. *Attacks on Brazilian press increased under Bolsonaro*. <https://nacla.org/news/2020/04/01/attacks-brazilian-press-increase-under-bolsonaro>.

25 The Tribunal Superior Eleitoral (TSE) prohibits the use of such messages.

26 While the initial – false – claim came from Hans River Rio do Nascimento, it was reiterated by President Bolsonaro and Congressman Eduardo Bolsonaro during public speech. See: Nacla. 2020. *Attacks on Brazilian press Increase under Bolsonaro*. <https://nacla.org/news/2020/04/01/attacks-brazilian-press-increase-under-bolsonaro>.

27 Nacla. 2020. *Attacks on Brazilian press Increase under Bolsonaro*. <https://nacla.org/news/2020/04/01/attacks-brazilian-press-increase-under-bolsonaro>.

Lethal attacks on journalists, patterns, and impunity

According to the Committee to Protect Journalists (CPJ), 60 journalists have been killed in Brazil since 1992.²⁸ 44 of these journalists were murdered as a direct consequence of the work they do.²⁹ These lethal attacks are a long-standing issue that came to a head in the period 2010-2015, before Bolsonaro became president, and is not likely to suddenly cease after Bolsonaro's recent electoral loss.³⁰ The latest victim was Dom Phillips, a British freelance journalist who, together with indigenous expert Bruno Pereira, went missing in the Amazon rainforest on 5 June 2022, and whose remains were found ten days after.³¹

According to RSF, the journalists who are murdered in Brazil, have generally covered crime and corruption and public policy.³²⁻³³ In 20 of the 44 reported cases by CPJ, the suspected perpetrator belonged to a criminal group.³⁴ In 22 of these cases, the suspected source behind the murders is a government official.³⁵

There are some noticeable patterns when it comes to the murder of journalists in Brazil. These murders often take place in relatively small towns (<100.000 citizens) that are generally isolated from urban centers.³⁶ In these towns, local politics are dominated by dynastic families and law enforcement agencies are fragile, both of which are important sources of danger.³⁷ Article 19 reports that, between 2012 and 2014, all murdered journalists worked for or owned low-circulation newspapers, limited to the town or region in which they are located.³⁸ Through these newspapers, and through blogs and radio programs, local communicators engage the public, ask for investigations into illegalities and corruption, or call for solutions to the area's problems. In general, they are communicators working on public issues of local interest.

Brazil has made significant progress in multiple cases of murdered journalists. Research shows that particularly in cases where specialized investigative bodies at the central level participated in the investigation, convictions ensued.³⁹ However, Brazil still has a considerable impunity rate for murders of journalists (36). Often, if cases do not come to the attention and fall within the capacity of central government bodies, they often remain unresolved and the perpetrators not convicted.⁴⁰

28 Committee to Protect Journalists. 2021. *42 Journalists killed in Brazil*.

https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&cc_fips%5B%5D=BR&start_year=1992&end_year=2021&group_by=year.

29 Committee to Protect Journalists. 2021. *44 Journalists killed in Brazil*.

https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&cc_fips%5B%5D=BR&start_year=1992&end_year=2023&group_by=year.

30 Committee to Protect Journalists. 2022. *Journalists attacked in Brazil since 1992*. <https://cpj.org/americas/brazil/>.

31 Reporters Without Borders. 2022. *Dom Phillips*. <https://cpj.org/data/people/dom-phillips/>.

<https://rsf.org/en/news/brazilian-neighbourhood-journalists-murder-must-be-fully-investigated-rsf-says>.

32 Reporters Without Borders. 2021. *Climate of hate and suspicion fed by Bolsonaro*. <https://rsf.org/en/brazil>.

33 Reporters Without Borders. 2022. <https://rsf.org/en/brazil>.

34 Committee to Protect Journalists. 2021. *20 Journalists Killed in Brazil*. https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&sourceOfFire%5B%5D=Criminal%20Group&cc_fips%5B%5D=BR&start_year=1992&end_year=2023&group_by=year.

35 Committee to Protect Journalists. 2021. *22 Journalists Killed in Brazil*. https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&cc_fips%5B%5D=BR&start_year=1992&end_year=2021&group_by=year.

36 Article 19. 2016. *The cycle of silence; impunity in murders of communicators in Brazil*. https://www.article19.org/data/files/medialibrary/38542/impunidade_ENG_R04.pdf.

37 Article 19. 2016. *The cycle of silence; impunity in murders of communicators in Brazil*. https://www.article19.org/data/files/medialibrary/38542/impunidade_ENG_R04.pdf.

38 Article 19. 2016. *The cycle of silence; impunity in murders of communicators in Brazil*. https://www.article19.org/data/files/medialibrary/38542/impunidade_ENG_R04.pdf.

39 Free Press Unlimited. 2022. *An Uphill Battle: from impunity to justice for journalist murders*. https://www.freepressunlimited.org/sites/default/files/documents/FPU_Impunity%20report_2022_0.pdf.

40 CPJ. *Journalists murdered in Brazil between 1992-2022, impunity complete and impartial*. cpj.org/data.

The murder of Pedro Palma, the owner of the regional newspaper *Panorama Regional*, who regularly uncovered corrupt practices, is representative of this.

Local power dynamics in Baixada Fluminense and Miguel Pereira

Pedro Palma was murdered in a context resembling the pattern described in the previous section. Miguel Pereira is a city in the state of Rio de Janeiro, very close to the metropolitan region called Baixada Fluminense (Fluminense lowlands). The Baixada Fluminense region has a reputation for violence, resulting from the persistent presence of organized crime groups in urban centers.⁴¹⁻⁴² Indicative of this presence are the ties between high-level public officials and organized crime groups and death squads. One example was the connection between Carlos Moraes, Mayor of Japeri (part of Baixada Fluminense and in the vicinity of Miguel Pereira), and drug dealer Bruno de Souza.⁴³ In 2018, Moraes was arrested for involvement in drug trafficking and fraud in tenders for public projects, and was banned from the Chamber and the Municipal City Hall. At the time of his arrest, Moraes cursed and threatened reporters on live TV.⁴⁴

At the time of Pedro Palma's murder, Cláudio Valente was the Mayor of Miguel Pereira.⁴⁵ Previously, Valente had been an unsuccessful candidate for councilor in the municipality of Volta Redonda (2004), a city 87 kilometers from Miguel Pereira.⁴⁶ In 2008, he ran for Mayor of his hometown, Miguel Pereira, for the Brazilian Social Democracy Party (PSDB), but lost the elections again. In 2012, he joined the Workers' Party (PT), and ran for Mayor in the 2012 elections. He defeated the candidate and vice president of the municipal Republic's Party (PR), André Pinto de Afonseca, known as André Português.⁴⁷ Pedro Palma's *Panorama Regional* openly supported André Português during the election period, and severely criticized Mayor Cláudio Valente for alleged mismanagement and corruption.

41 Alves, J. C. S. (2003). *Dos barões ao extermínio: uma história da violência na Baixada Fluminense*. Associação de Professores e Pesquisadores de História, APPH-CLIO.

42 Misse, M. (2005). Crime e violência no Brasil contemporâneo: estudos de sociologia do crime e da violência urbana. Rio de Janeiro: Lúmen Júris, 2007. MOISÉS, JA "A desconfiança nas instituições democráticas". *Opinião Pública*, Campinas, 11(1), 33-63.

43 Extra Globo. 2019. *Carlos Moraes, prefeito preso de Japeri, começa a ser julgado amanhã*.

<https://extra.globo.com/noticias/extra-extra/carlos-moraes-prefeito-presos-de-japeri-comeca-ser-julgado-amanha-23630292.html>.

44 Marcia Brasil and Henrique Coelho, TV Globo and G1 Rio. *Japeri Mayor arrested on suspicion of involvement in drug trafficking*.

<https://g1.globo.com/rj/rio-de-janeiro/noticia/2018/07/27/prefeito-de-japeri-e-presos-por-suspeita-de-envolvimento-com-o-traffic-de-drogas.ghtml>.

45 Tribunal Superior Eleitoral. 2004. *Disclosure of candidates and electoral accounts*. <https://divulgacandcontas.tse.jus.br/divulga/#/candidato/2012/1699/58572/190000011356/eleicoes>. Disclosure of candidates and electoral accounts.

46 Tribunal Superior Eleitoral. 2008. <https://divulgacandcontas.tse.jus.br/divulga/#/candidato/2008/14422/58572/6667>.

47 Tribunal Superior Eleitoral. 2008. <https://divulgacandcontas.tse.jus.br/divulga/#/candidato/2008/14422/58572/6667>.

2. Pedro Palma's life and work

Pedro Miguel Lencastre Montenegro Palma (1967) lived with his wife and his daughter in the municipality of Miguel Pereira. He was the de-facto owner of the news outlet *Panorama Regional*, but as a Portuguese-Angolan, could not be listed as the newspaper's owner since Brazilian legislation prohibits a foreigner from owning a media outlet.⁴⁸ Therefore, the company officially belonged to Palma's wife and to his business partner, Maria da Glória Ali Cassino.⁴⁹ Pedro Palma was, however, editor-in-chief of *Panorama Regional* (PR) and was known to have the greatest influence on its the content.⁵⁰

Panorama Regional was a weekly, tabloid newspaper that came out every Friday. It had an average of twenty-four pages and a circulation of 8,000 copies per issue.⁵¹ The articles in the newspaper were generally short and included contributions from columnists and politicians. The most notable columnist for the weekly was Anthony Garotinho, former governor of Rio de Janeiro and former Mayor of the city of Campos de Goytacazes, who was a candidate for the 2002 Presidential elections.⁵² Another important columnist for the newspaper was Pedro Palma himself. He actively investigated and exposed local corruption and under his pseudonym *Maroca*, vehemently criticized policies within the municipality of Miguel Pereira.

Palma's work at *Panorama Regional*, which at times went beyond writing articles, provides an insight into possible motives behind his murder. He actively challenged Miguel Pereira City Council in other areas too, reporting its mismanagement to regional authorities, engaging city council members and supporting the opposition party at the time, the *Partido Republicano* (PR).

Palma's work at *Panorama Regional*

Our investigation team collected and analyzed issues of *Panorama Regional* published in the period prior to Palma's murder. Since Pedro Palma was the owner of *Panorama Regional*, we did not analyze only Palma's columns, but looked at the entire content of the 2013 and 2014 issues. In light of Article 19's findings, namely that media owners who practice investigative journalism in small towns are often targeted, it was essential to understand the sentiment of the publications and the incriminations contained in them.⁵³

48 The newspaper *Panorama Regional* was founded in Paty do Alferes on 13th May 1994, as per their official Facebook page: https://www.facebook.com/panoramaregional/?_rdc=2&_rdr. The Brazilian Constitution of 1988 established in Article 222 that the ownership of a journalistic company (...) is solely for native citizens of Brazil or Brazilians who have been through the process of naturalization and acquired their citizenship over ten years ago, whom will be responsible for the journalistic company's administration and intellectual orientation. Pedro, a Portuguese Angolan, was not included in this specification. In 2002, this article was amended, and now states that '70% of the capital of the companies must belong to native or naturalized Brazilians.' This means that foreigners could hold 30% of the capital, but not fully control of total capital and voting capital: http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.html.

49 Interview widow Pedro Palma, 6 August 2021, Rio de Janeiro.

50 Interview widow Pedro Palma, 6 August 2021, Rio de Janeiro.

51 The newspaper was sold to a businessman after Pedro Palma's death. We are analyzing the articles from the period when Pedro edited the newspaper.

52 The Guardian. 2006. *Evangelical Christianity and democracy in Latin America*. <https://www.theguardian.com/world/2006/may/12/brazil.tomphillips>.

53 Article 19. 2016. *The cycle of silence; impunity in murders of communicators in Brazil*. https://www.article19.org/data/files/medialibrary/38542/impunidade_ENG_RO4.pdf.



The cover of Panorama Regional, last edition 990 of 06-02-2014, one day after murder.

The analysis in the following paragraph is based on the analysis of 35 issues of *Panorama Regional* – 846 pages were included from issues 957 (21 June 2013) to 992 (21 February 2014). The issues were collected from editions of the digital platform "Issuu" where Pedro Palma had placed them. Issues not stored on the digital platform were provided by Palma's widow, who kept them in her personal archive.⁵⁴

During our analysis of Palma's work and of *Panorama Regional's* views, three themes stood out. The first is the general criticism of virtually every aspect of Miguel Pereira City Council's work, from healthcare and bidding processes to schools and garbage collection. The second examines the irregularities in the bidding process for the organization of the Jazz Festival in Miguel Pereira. The third encompasses Palma's work in examining the irregularities surrounding the organization of the annual Carnival festivities in 2014.

⁵⁴ Two editing periods were not found. They comprise issues 931 to 956 (December 21, 2012, to June 14, 2013) and 993 to 1002 (February 28 to May 2, 2014).

Palma's criticisms: Mayor Valente, corruption in bidding processes

Panorama Regional published a constant flow of articles critical of Mayor Cláudio Valente's work in Miguel Pereira. In April 2013, the newspaper wrote about businessman Vitor Ralha's request to impeach the Mayor, citing evidence of fraud in the bidding process for the hire of a garbage collection company.⁵⁵ On 19 and 26 July 2013, *Panorama Regional* published two articles back to back about the Mayor and his wife, one with the headline: "Social development department screws up and puts Mayor Valente in jeopardy – The case turned into claims by the Public Prosecutor's Office"⁵⁶, and another with: "Social makes a mistake again and a community wedding held in March has only been made official now – Of the 78 couples, only 35 have a marriage certificate"⁵⁷. Pedro Palma, under his pseudonym Maroca, also wrote things like: "the city's government is terrible: A huge zero score to it!"⁵⁸ On 6 September 2013, he went even further by writing: "If they provoke me, I will disclose everything I have. I don't lack material, I have plenty." One week before the murder, *Panorama Regional* focused almost exclusively on Mayor Valente's administration, blaming it for failing services, and expressing support for the opposition party.⁵⁹ One article in the issue states: "Miguel Pereira: Mayor does not renew contract with transport company, preventing 200 students from getting to class."⁶⁰

Leading up to February 2014, the newspaper chased two stories that worsened its relationship with City Hall: one about a canceled Jazz Festival, and another about the absence of bids in a procurement process regarding the 2014 Carnival Festivities.⁶¹ On 24 January 2014, Maroca wrote about the businessman responsible for the Jazz Festival and demanded a response from the City Council with regard to the event not materializing.⁶² Palma was in the process of requesting information concerning the bidding process for the 2014 Carnival festivities when he was murdered.⁶³

55 *Panorama Regional* 2013. *O prefeito Cláudio Valente pode ser cassado em Miguel Pereira*. In: Database written articles Pedro Palma.

56 *Jornal Panorama Regional*. 2013. *Secretaria de Ação Social 'mete o pé na jaca' e coloca o prefeito Valente em xeque*. https://issuu.com/pedromiguelpalma/docs/961panorama_regional; *Jornal Panorama Regional*. 2013. *Social erra de novo e casamento comunitário realizado em março só foi oficializado agora*. https://issuu.com/pedromiguelpalma/docs/962__panorama_regional.

57 *Jornal Panorama Regional*. 2013. *Social erra de novo e casamento comunitário realizado em março só foi oficializado agora*. https://issuu.com/pedromiguelpalma/docs/962__panorama_regional.

58 *Jornal Panorama Regional*. 2013. Coluna "Maroca". https://issuu.com/pedromiguelpalma/docs/961panorama_regional.

59 *Jornal Panorama Regional*. 2014. *Casal Valente da Tiro no Pe*. https://issuu.com/pedromiguelpalma/docs/990__jornal_panorama_regional_24_p.

60 *Jornal Panorama Regional*. 2014. *Casal Valente da Tiro no Pe*. https://issuu.com/pedromiguelpalma/docs/990__jornal_panorama_regional_24_p.

61 Interview widow Pedro Palma, 6 August 2021, Rio de Janeiro.

62 Interview widow Pedro Palma, 6 August 2021, Rio de Janeiro. *Jornal Panorama Regional* (2014). Coluna "Maroca". https://issuu.com/pedromiguelpalma/docs/991__jornal_panorama_regional_24_p.

63 Pedro Palma letter to Presidente da Camara Miguel Pereira, *Conselho Municipal de Turismo de Miguel Pereira*. 12 February 2014.

Right to information activism by Pedro Palma

During our investigation, A Safer World for the Truth found that, as part of his work as a journalist, Pedro Palma was engaged in filing requests for access to information. Particularly in the 48 hours before his murder, Pedro Palma was frantically seeking information on the financial conduct of the municipal administration.⁶⁴ On 11 February 2014, two days before his murder, Pedro Palma went to the City Council to file an official letter addressed to the Municipal Council of Tourism.⁶⁵ In it, he explained that the municipal administration had hired a company for the event, but that the event never took place.

On the eve of his death, Pedro Palma also went to the City Council to file a letter⁶⁶ requesting an explanation as to why services had been contracted when there had been no bidding process for the 2014 Carnival festivities, scheduled to take place two weeks later.⁶⁷ He expressed concern about the fact that, just 15 days before the event, the documents in the bidding process had still not been disclosed. Palma added that he had attempted to obtain information from the bidding sector, but to no avail.⁶⁸

Threats based on Palma's work

Palma's critical opinion of Miguel Pereira City Hall and of several competitors in bidding processes put him in danger, and he received multiple threats because of it. In one instance in 2011, *Panorama Regional* published a full-page article about the misuse of identification by one of Palma's competitors, Américo Luiz Amaral Cordeiro.⁶⁹ Américo, a former employee of *Panorama Regional*, had started his own newspaper, *Serra News*. Palma alleged that Américo was falsely using the name of Alexandre de Aguiar Carcaso.⁷⁰ Américo did not appreciate this and came to Palma's office and threatened to kill him.⁷¹ Palma reported the threat to the police in September 2011.⁷²

In another instance, Palma chased up stories about corruption in bidding processes in the health sector. Osvaldo da Costa Silva, commonly known as Ratinho, later found to be the head of a fraud scheme in bidding processes in Baixada Fluminense,⁷³ warned Palma to stop writing about the matter.⁷⁴ According to Palma's widow, when Palma went to investigate a Department of Health medicine warehouse, following reports that it had run out of medicine, Ratinho showed up five minutes after Palma arrived at the warehouse. He then put his gun on the table and threatened Palma.⁷⁵ Ratinho was one of the suspects in the murder of Pedro Palma, but was himself murdered on 18 August 2016.⁷⁶

64 Interview widow Pedro Palma, Miguel Pereira. 15 December 2021; Interview 11, Miguel Pereira. 11 September 2021.

65 Database work Pedro Palma. 2023. *Letter to the Municipal Council of Tourism*.

66 Pedro Palma letter to Presidente da Camara Miguel Pereira, *Conselho Municipal de Turismo de Miguel Pereira*. 12 February 2014.

67 Jornal Panorama Regional (2014). *Coluna "Maroca"*. https://issuu.com/pedromiguelpalma/docs/991__jornal_panorama_regional_24_p.

68 Database work Pedro Palma. 2023. *Documents from the Municipal Council of Tourism of Miguel Pereira, from 12th February 2014, sent to the Mayor Cláudio Valente and to the president of the City Council, the council member Domi*.

69 Jornal Panorama Regional (2011). *Qual Será O Destino De Américo Luiz Amaral Cordeiro?* Ed. 866.

70 Threat registration Police (23 September 2011). Nr. 096-01032/2011.

71 Threat registration Police (23 September 2011). Nr. 096-01032/2011.

72 Threat registration Police (23 September 2011). Nr. 096-01032/2011.

73 Ministério Público do Rio de Janeiro (2018). *MPRJ e Polícia Civil realizam busca e apreensão na prefeitura de Mesquita, na casa do ex-secretário de Governo e na empresa Nil Locações*.

74 Interview widow Pedro Palma, Miguel Pereira, 15 December 2021.

75 Interview widow Pedro Palma, Miguel Pereira. 15 December 2021.

76 Adriano Araujo (18 August 2016). *Candidato a vereador em Nilópolis e assassinado a tiros na porta de casa*. O DIA.

QUAL SERÁ O DESTINO DE Américo Luiz Amaral Cordeiro?

A 96ª Delegacia de Polícia de Miguel Pereira abriu inquérito de **falsidade ideológica** contra o Sr. Alexandre de Aguiar Cardoso, o conhecido Alex Rico, alias, na verdade contra Américo Luiz Amaral Cordeiro. Confuso, não? Vamos tentar explicar sem deixar a população mais confusa ainda.

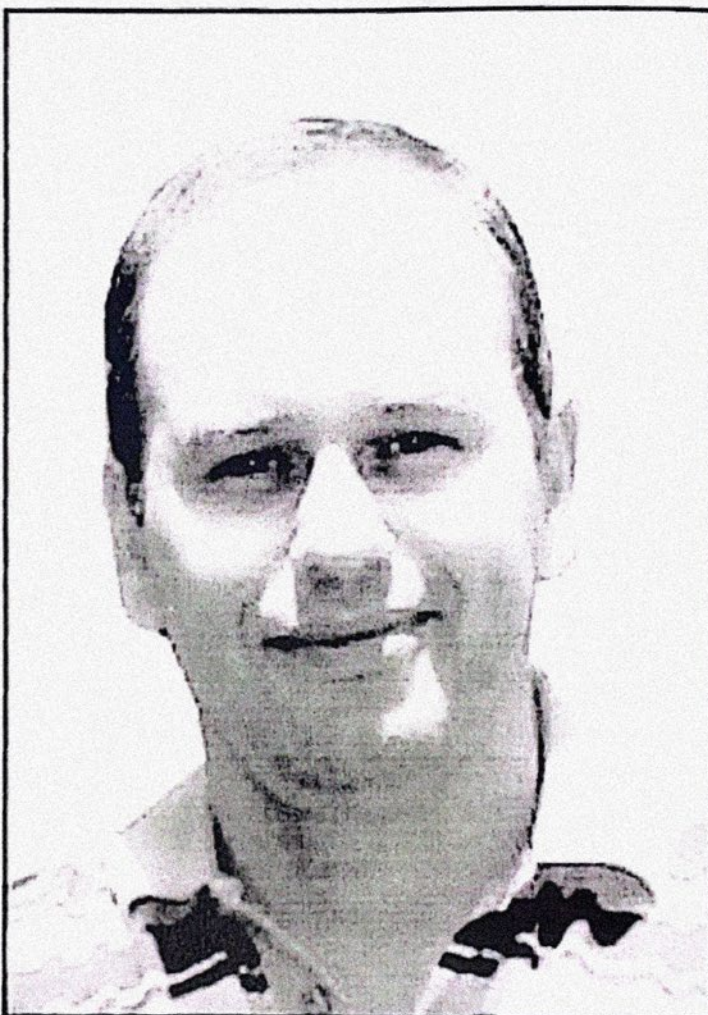
A descoberta se deu porque o Detran-RJ abriu uma denúncia por constar em seus arquivos **dois Alexandres de Aguiar Cardoso** com os mesmos dados. O processo de investigação foi aberto na 1ª Delegacia Policial do Rio de Janeiro, pois um Alexandre morava no Rio de Janeiro e o outro na cidade de Miguel Pereira. Quando a diligência chegou aqui na Delegacia de Miguel, há mais de 30 anos, os policiais da 96ª DP, numa brilhante investigação, acabaram por descobrir uma duplicidade de **peçoas com uma mesma identidade**. E aqui não foi a surpresa! O Alexandre de Aguiar Cardoso de Miguel Pereira, na verdade se chama Américo Luiz Amaral Cordeiro.

O Jornal Panorama Regional que teve em seus quadros de funcionários o Américo/Alexandre já esteve na Delegacia entregando aos investigadores os documentos referente a época onde ele trabalhou na empresa, já que o mesmo apresentou carteira de trabalho fraudada e ainda fez gozo do seguro desemprego quando foi mandado embora em 2007, tudo como Alexandre de Aguiar Cardoso. Afinal, isto ao que se saiba pode configurar crime federal, não? Este semanário, a fim de prevenir responsabilidades, quer deixar claro que desconhecia totalmente o fato do Alexandre se chamar Américo. Alias, não só o jornal, com a cidade inteira. E tanto isto é verdade que, a representação feita pela empresa em Março de 2010, que hoje virou um processo crime, se deu contra Alexandre de Aguiar Cardoso. Mas a mesma já foi substituída por Américo Luiz do Amaral Cordeiro, pois o pobre do Alexandre nada tem a ver com a história. (Processo numero 1713-23 2011.8.19.0033)

O que pode tornar esse caso mais grave é que o Sr. Américo se utilizava do nome de Alexandre e procurava as empresas LG Freire de propriedade de sua mulher e da empresa Aledice S da Amaral (Asa Publicidade) de propriedade de sua mãe utilizando-se de ambas procurações para representá-las diante do poder público já que tanto uma quanto a outra empresa vendem para as diversas Prefeituras da região. Principalmente o Jornal Serra News onde Américo/Alexandre assinava como Diretor Comercial.

O inquérito tramita na DP há mais de 30 dias e ainda não sabemos qual prazo de conclusão.

O Jornal Panorama Regional irá acompanhar o desfecho e muito em breve noticiará o fato completo. Afinal a pergunta que não quer calar: o Alexandre já virou Américo?



**Alexandre de Aguiar Cardoso
(Alex Publicidade)**

**ao que tudo indica se chama
Américo Luiz Amaral Cordeiro.
Polícia Civil apura os fatos
mediante as denúncias.**

Article published in in Panorama Regional detailing the use of a fake name by Palma's former employee, Américo Luiz Amaral Cordeiro.

Finally, our investigators found that Palma received threats from other sources. For example, Priscilla Ribeiro, his widow's sister-in-law, told our investigators that, in 2013 she had been approached on Facebook by an official working for the City Hall. The official warned her: "Palma needs to keep his mouth shut and be careful."⁷⁷

The day after the murder, on 14 February 2014, chief delegate of the 96th Police Department, Murilo Montanha, stated that there was no record of threats against the victim.⁷⁸ This contradicts the allegations made by Palma's family and colleagues. Pedro's brother Henrique Palma stated that all threats were forwarded to Miguel Pereira's 96th Police Department.⁷⁹ Henrique Palma said: 'Pedro had proof of all the complaints. We believe that those responsible (for the murder) are the people my brother denounced, but only the police can confirm this.'⁸⁰

⁷⁷ Interview Priscilla Ribeiro.

⁷⁸ O Globo. 2014. '*Jornalista fala verdade e acaba assassinado*', diz sindicato.
<http://g1.globo.com/rj/sul-do-rio-costa-verde/noticia/2014/02/jornalista-fala-verdade-e-acaba-assassinado-diz-sindicato.html>.

⁷⁹ Jornal de Brasília. 2014. *Jornalista é morto a tiros em Miguel Pereira, no Rio*.
<https://jornaldpebrasil.com.br/olitica-e-poder/jornalista-e-morto-a-tiros-em-miguel-pereira-no-rio/>.

⁸⁰ Jornal de Brasília. 2014. *Jornalista é morto a tiros em Miguel Pereira, no Rio*.
<https://jornaldpebrasil.com.br/olitica-e-poder/jornalista-e-morto-a-tiros-em-miguel-pereira-no-rio/>.

3. Pedro Palma's murder



Map of Miguel Pereira. We decided not to include the location of the crime scene because of persistent safety concerns.

On 13 February 2014, two unidentified gunmen on a motorcycle shot Pedro Palma three times with a .38 caliber pistol in front of his home in Miguel Pereira, a suburb north of Rio de Janeiro.⁸¹ Camera footage that was released by the police in April 2014, captured the unfolding scene.⁸² The footage, taken from a security camera installed on Pedro Palma's home, shows Palma stepping out of his car in front of his house. He opens the rear door of the car and at that moment a motorcycle carrying two individuals wearing black and white helmets pulls up. The motorcycle passenger dismounts, walks up to Pedro from the rear and shoots him three times.⁸³ Meanwhile, the motorcycle driver makes a U-turn and picks up the shooter. As the two drive away on the motorcycle, Pedro's daughter and two other people come out of the house and run up to Palma. A car driving in the opposite direction to the fleeing motorcyclists arrives at the scene seconds after the motorcyclists have fled, and two people step out of the car to help Palma and his daughter. The footage shows neighbors rushing to the scene from across the street but then running past Palma and his daughter instead.

81 Observatório da Imprensa. 2014. *Estou com medo*. http://www.observatoriodaimprensa.com.br/educacao-e-cidadania/caderno-da-cidadania/_ed786estou_com_medo/.

82 O Globo. 2014. *Polícia divulga imagens de morte de jornalista em distrito de Miguel Pereira*. <http://g1.globo.com/rj/sul-do-rio-costa-verde/noticia/2014/04/policia-divulga-imagens-de-morte-de-jornalista-em-distrito-de-miguel-pereira.html>.

83 O Globo. 2014. *Polícia divulga imagens de morte de jornalista em distrito de Miguel Pereira*. <http://g1.globo.com/rj/sul-do-rio-costa-verde/noticia/2014/04/policia-divulga-imagens-de-morte-de-jornalista-em-distrito-de-miguel-pereira.html>.



Photos with snapshots of the CCTV clip

Pedro Palma died instantly after being shot.⁸⁴ At Pedro's funeral, one of those present, called Andréia stated: "The Mayor is not held accountable to the population; it was through Pedro that we knew about the destination of the funds."⁸⁵ He died because he spoke the truth. They have silenced the mouth of the people."⁸⁶ In an interview with Pedro's widow, she explained that she went to the office of *Panorama Regional* the day after the murder "to make sure it's business as usual. I knew that would be what Pedro wanted."⁸⁷

The immediate aftermath of the murder

The murder of Pedro Palma was being investigated by Miguel Pereira's 96th Police Department,⁸⁸ with delegate Murilo Silva Montanha in charge.⁸⁹ Military Police Captain Coronel Cesar Augusto de Souza stated on 17 February 2014 that he did not rule out the possibility of political involvement in the murder.⁹⁰ Although he did make this statement, he also said there was no concrete information about the motive of the murder.⁹¹⁻⁹² In the aftermath of the murder, for months *Panorama Regional* ran an advert requesting tip-offs from the public.⁹³ A month after Pedro's murder, on 13 March 2014, the investigation was transferred from the 96th Police Department (Miguel Pereira) to the Baixada Fluminense Homicide Division, in Belford Roxo, at the request of the Public Ministry of the State of Rio de Janeiro (MPRJ).⁹⁴

84 Estado de Minas Nacional. 2014. *Jornalista é assassinado a tiros no Rio*. https://www.em.com.br/app/noticia/nacional/2014/02/14/interna_nacional,498331/jornalista-e-assassinado-a-tiros-no-rio.shtml.

85 Observatório da Imprensa. 2014. *Estou com medo*. http://www.observatoriodaimprensa.com.br/educacao-e-cidadania/caderno-da-cidadania/_ed786estou_com_medo/.

86 Jornal de Brasília. 2014. *Jornalista é morto a tiros em Miguel Pereira, no Rio*. <https://jornaldpebrasil.com.br/olitica-e-poder/jornalista-e-morto-a-tiros-em-miguel-pereira-no-rio/>.

87 Interview widow Pedro Palma, Miguel Pereira. 15 December 2021.

88 Estado de Minas Nacional. 2014. *Jornalista é assassinado a tiros no Rio*. https://www.em.com.br/app/noticia/nacional/2014/02/14/interna_nacional,498331/jornalista-e-assassinado-a-tiros-no-rio.shtml.

89 Diário do Vale. 2014. *Jornalista pode ter sido assassinado por questões políticas*. <https://web.archive.org/web/20151211082935/http://www.diariodovale.com.br/noticias/0,85411,Jornalista-pode-ter-sido-assassinado-por-questoes-politicas.html#axzz3pd39lAbE>.

90 Diário do Vale. 2014. *Jornalista pode ter sido assassinado por questões políticas*. <https://web.archive.org/web/20151211082935/http://www.diariodovale.com.br/noticias/0,85411,Jornalista-pode-ter-sido-assassinado-por-questoes-politicas.html#axzz3pd39lAbE>.

91 Diário do Vale. 2014. *Jornalista pode ter sido assassinado por questões políticas*. <https://web.archive.org/web/20151211082935/http://www.diariodovale.com.br/noticias/0,85411,Jornalista-pode-ter-sido-assassinado-por-questoes-politicas.html#axzz3pd39lAbE>.

92 Diário do Vale. 2014. *Jornalista pode ter sido assassinado por questões políticas*. <https://web.archive.org/web/20151211082935/http://www.diariodovale.com.br/noticias/0,85411,Jornalista-pode-ter-sido-assassinado-por-questoes-politicas.html#axzz3pd39lAbE>.

93 See Facebook Advert *Panorama Regional 1* – 2014.

94 O Globo. 2014. *Um mês após morte de jornalista, autores do crime não foram presos*. <http://g1.globo.com/rj/sul-do-rio-costa-verde/noticia/2014/03/um-mes-apos-morte-de-jornalista-autores-do-crime-nao-foram-presos.html>.

4. The investigation into the murder of Pedro Palma

The police investigation into the murder of Pedro Palma has been shrouded in secrecy both for Palma's relatives and observers. After nearly two years of trying to retrieve the case files, our investigators were able to retrieve them through the widow, whose efforts of the last nine years have been relentless. Police inquiry 096-00184/2014 of the 96th Police Department consists of three volumes and about 500 pages, and another five books consisting of thousands of pages of attachments. In this section, we analyze the official investigation and present the findings in a generic manner, without disclosing details that might undermine the ongoing police investigation. We then describe how the information acquired through investigation into Palma's murder was substantive enough to lead to three corruption investigations, but not to lead to the arrest and prosecution of suspects for the murder itself. Remarkably, the police were able to identify the individuals covered in Palma's work and the possible connection of the corruption investigation body to the murder, with the exception of Mayor Cláudio Valente who, according to his lawyer, was never interviewed. Finally, we discuss the climate of fear still present in Miguel Pereira, and the impact on the likelihood of obtaining justice for Pedro Palma.

The case was initially investigated by the local police department, but was transferred 11 days later to a specialized homicide division in Belford Roxo. In all, 33 witnesses and suspects gave statements to the police, some more than once, while (representatives of) several authorities were also heard. In addition to witness statements, various investigative actions, including search and seizure warrants, breach of secrecy and telephone intercepts, and CCTV camera analysis were carried out. Based on the testimonies and the evidence acquired, police were quick to establish that the murder was connected to Palma's professional activities, and identified several suspects, possible motives and persons of interest. Our investigators compared the official list of suspects and persons of interest with our own investigation into possible motives and suspects and found that the police based their focus largely on an analysis of Palma's work, several early witness testimonies and known enemies. To link the suspects on their list⁹⁵ with the crime, police first requested permission to wiretap the telephones of these individuals; this request was renewed several times over the course of the investigation. Based largely on the information acquired through these wiretaps, police initiated the three anti-corruption operations discussed below.

In addition, police requested video footage of specific locations linked to the crime scene, a crime scene analysis, and an examination of objects seized during the investigation, among other things. On 9 June 2014, O Globo reported that an unnamed (material) suspect in Pedro Palma's murder had been arrested in his home in Bangu, the West Zone of Rio de Janeiro.⁹⁶ According to the paper, the arrest was confirmed by police officers from the Belford Roxo Homicide Division in Baixada Fluminense, and by an agent of the State Public Ministry's Special Action Group for Combating Organized Crime (GAECO), that was working on the investigations into Palma's death. Chief delegate Pedro Henrique Medina of the Baixada Fluminense Homicide Division was one of those who confirmed the arrest.⁹⁷ The suspect was, however, never prosecuted, and it is unclear what happened to this individual after the arrest.

95 In agreement with the widow's lawyer, A Safer World for the Truth decided not to give the names mentioned in the police investigation.

96 Jornal de Brasília. 2014. *Jornalista é morto a tiros em Miguel Pereira, no Rio*. <https://jornaldpebrasil.com.br/olitica-e-poder/jornalista-e-morto-a-tiros-em-miguel-pereira-no-rio/>.

97 Jornal de Brasília. 2014. *Jornalista é morto a tiros em Miguel Pereira, no Rio*. <https://jornaldpebrasil.com.br/olitica-e-poder/jornalista-e-morto-a-tiros-em-miguel-pereira-no-rio/>.



Police inquiry 096-00184/2014, currently under the authority of the 10th Notary Collection Police Station (DEAC)

Three corruption investigations: Icarus, Cerro, Templum

Even though the police were ultimately unable to link suspects with the murder of Pedro Palma, or arrest and prosecute anyone, they must be commended for using the information acquired in the early stages of the murder investigation to initiate three corruption investigations: Operation Icarus, Operation Cerro and Operation Templum.⁹⁸

In December 2015, under Operation Icarus, the Special Action Group to Combat Corruption (GAECO) and the Public Ministry in Miguel Pereira, uncovered a major corruption scheme concerning advertisements. It involved public officials allegedly participating in fraudulent tenders in eight cities (seven of which in the South Fluminense region).⁹⁹ The operation exposed a gang suspected of defrauding bids and public service contracts for cultural events and promotions within city halls in the Sul Fluminense region. The Public Ministry stated that the investigation was initiated as a result of the investigation into the death of Pedro Palma.¹⁰⁰

On 24 February 2016, Operation Cerro was initiated. The aim was to investigate fraudulent bids in other cities of the state, and specifically to disassemble fraudulent bids in the fields of health and environment inside the sprawling state of Rio.¹⁰¹ Investigations revealed that fake service bills had been issued, services overbilled, shell companies created and “oranges” (people that lend their name to opening fake companies) used, as well as other irregularities.

Operation Templum was aimed at uncovering a criminal scheme led by Chief of Staff to Mayor Cláudio Valente, Osvaldo da Costa Silva alias Ratinho, in Mesquita and Miguel Pereira. Palma’s widow suspected Ratinho of being one of those responsible for the death of Pedro Palma.¹⁰² The operation was carried out by the Rio de Janeiro Civil Police, and the *Tribunal de Contas do Estado* (TCE-RJ, State Audit Court). The main targets were Ratinho¹⁰³ and Bruno Daumas Ferreira dos Santos, former secretary of the municipality of Mesquita.¹⁰⁴ The two were suspected of running a fraud scheme in bidding processes involving Mesquita City Hall. Ratinho was from Baixada Fluminense¹⁰⁵⁻¹⁰⁶ but also worked in Miguel Pereira, focusing on the field of health. On 18 August 2016, more than two years after the murder of Pedro Palma, Ratinho was murdered in front of his own house, with nine shots to the chest.

98 O Globo. 11 December 2015. *Polícia desmonta quadrilha suspeita de fraudar licitações no Sul do estado*. O Globo. <https://oglobo.globo.com/rio/policia-desmonta-quadrilha-suspeita-de-fraudar-licitacoes-no-sul-do-estado-18271947>.

99 O Globo. 12 November 2014. *Três são presos por fraudes aos cofres públicos em Miguel Pereira, RJ*. <http://g1.globo.com/rj/sul-do-rio-costa-verde/noticia/2015/12/tres-sao-presos-por-fraudes-aos-cofres-publicos-em-miguel-pereira-rj.html>.

100 O Globo. 2015. *Polícia desmonta quadrilha suspeita de fraudar licitações no Sul do estado*. <https://oglobo.globo.com/rio/policia-desmonta-quadrilha-suspeita-de-fraudar-licitacoes-no-sul-do-estado-18271947>.

101 Agência Brasil (2016). *Ministério Público cumpre mandados de prisão por fraudes em licitações no Rio*. <https://agencia-brasil.jusbrasil.com.br/noticias/308229466/ministerio-publico-cumpr-mandados-de-prisao-por-fraudes-em-licitacoes-no-rio/amp>.

102 Interview widow Pedro Palma, Miguel Pereira. 15 December 2021.

103 Interview widow Pedro Palma, Miguel Pereira. 15 December 2021.

104 O dia. 12 November 2018. *MP e Polícia Civil cumprem mandados de busca e apreensão na Prefeitura de Mesquita*. <https://odia.ig.com.br/rio-de-janeiro/2018/12/5601291-mp-e-policia-civil-cumprem-mandados-de-busca-e-apreensao-na-prefeitura-de-mesquita.html>.

105 Jornal Hoje. 2016. *Corpo de Ratinho é sepultado em Mesquita*. <http://jornalhoje.inf.br/wp/?p=30363>.

106 Ministério Público do Rio de Janeiro (2018). *MPRJ e Polícia Civil realizam busca e apreensão na prefeitura de Mesquita, na casa do ex-secretário de Governo e na empresa Nil Locações*.

Carnival 2014 as possible motive

To establish a possible motive for the murder and identify suspects, our investigators analyzed some of the schemes uncovered by these corruption investigations and compared them to the work Palma had been doing in the weeks leading up to his murder. The preparations for the 2014 Carnival Festivities stand out as a possible motive.

In the days before the murder, Palma had written letters to Miguel Pereira City Hall, asking for information about contracting of services, the bidding process, and the entire event schedule, which had not yet been made public.¹⁰⁷ Palma was murdered before he received the information. Miguel Pereira City Hall hired at least two companies to organize the 2014 Carnival, namely: *Dinho Shows e Eventos* and *Líder Sonorização e Produção Artística*.¹⁰⁸ Dinho Shows, owned by Alexandre de Moura and Catia Cilene de Moura, was a defendant in a lawsuit on administrative misconduct.¹⁰⁹ The lawsuit, initiated on 8 August 2016, also named Mayor Cláudio Valente, and Secretary of Tourism Marco Aurélio Tamer Casa Nova, as defendants. Casa Nova was part of the organization and inspection committee for the 2014 Carnival. The latest update on the case dates back to 2020; the case does not seem to have been resolved.¹¹⁰ Our investigators consulted the Rio de Janeiro court website and discovered a request to close the case submitted by Cláudio Valente's lawyer; it is therefore unlikely there will be further inquiries into this area of misconduct, which had been covered by Palma.

According to Municipal Information Journal (BIM) 300 of February 11 - 20, 2014, the committee also included Heron Caetano Leite, superintendent of City Hall events and president of the bidding committee.¹¹¹ Leite was investigated under Operation Icarus and charged with criminal association, together with Américo Luiz do Amaral Cordeiro and several others.¹¹² The latest update in the case dates back to 2018, and the case does not seem to have been resolved.¹¹³ Operation Icarus also identified a gang suspected of defrauding bids in city halls across the region.¹¹⁴

Several contracts in relation to the event were disclosed in BIM 305 of 1 - 10 March 2014, after the Carnival festivities had taken place and after Palma's murder. *Líder Sonorização e Produção Artística* was hired without a bidding process for a total sum of approx. R\$100,000.00.¹¹⁵ On 24 January 2014, one month and four days before the carnival, Líder was founded, and registered by Elaine de Fraga de Paula and Elvira Ramos de Souza Silva.¹¹⁶ On 29 October 2020, Líder was considered unfit by the Federal Revenue Service because it failed to file accounting statements for five consecutive years.¹¹⁷

Several business people and public officials, investigated and charged as a result of investigations into the 2014 Carnival festivities and other corruption investigations, were interviewed by the police as potential suspects or witnesses in Palma's murder case. Irregularities were discovered, one concerning Mayor Cláudio Valente, a known enemy of Palma. He features heavily in Palma's work, and was investigated and his properties searched

107 Pedro Palma letter to Presidente da Câmara Municipal de Miguel Pereira, *Conselho Municipal de Turismo de Miguel Pereira*. 12 February 2014.

108 Municipal Information Journal (BIM) 304 & BIM 305.

109 Lawsuit number 0001768.95.2016.8.19.0033.

110 Tribunal de Justiça do Estado do Rio de Janeiro, comarca de Miguel Pereira. *Ministério Público x Claudio Valente Viana* (Processo nº 0001768-95.2016.8.19.0033). [case details obtained via Jusbrasil].

111 The committee further included: Rodrigo de Azevedo Medeiros, Andréa Verônica Texeira dos Santos, and José Renato Costa.

112 In case 0002987-17.2014.8.19.0033.

113 Tribunal de Justiça do Estado do Rio de Janeiro, comarca de Miguel Pereira. Processo nº 0002987-17.2014.8.19.0033. [case details obtained via Jusbrasil].

114 Dicier de Mello e Souza. 11 December 2015. *Polícia desmonta quadrilha suspeita de fraudar licitações no Sul do estado*. O Gobo. <https://oglobo.globo.com/rio/policia-desmonta-quadrilha-suspeita-de-fraudar-licitacoes-no-sul-do-estado-18271947>.

115 Municipal Information Journal (BIM) 305, 1 - 10 March 2014.

116 Brazil Internal Revenue Service - *Líder Sonorização e Produção Artística*.

117 Brazil Internal Revenue Service - *Líder Sonorização e Produção Artística*.

as part of Operation Icarus, which was based on information acquired through wiretaps in the aftermath of Palma's murder. During the search, the police found a bag containing papers, two guns, and a 12 gauge shotgun.¹¹⁸ However, Valente was never called in for questioning either as a suspect in the murder or as a potential witness, despite being involved in the same criminal activities as some of the individuals on the police's suspect list. It is still not clear why.

Approached twice for an interview by our investigators, Valente's lawyer Pedro Gabrig responded on 17 September 2021:

"Claudio Valente Viana, a professor, master and doctor in dentistry at the time of his term as Mayor of Miguel Pereira, has never hindered the free and essential work of the press, which is known as one of the pillars of the Democratic state. There is no connection between the tragic death of journalist Pedro Miguel Palma and the infamous reports that Palma wrote when he [Valente] was head of City Hall. It must be stated that the police never requested any clarification of such facts, precisely because there was no connection between the fateful event and the Mayor at that time."

The case goes cold

Despite their early findings and the preliminary list of suspects, and despite having enough information to warrant the three anti-corruption investigations, including initiation of several lawsuits against suspected individuals, the police did not manage to convincingly link any of the suspects to the actual murder, and it became a cold case. According to information obtained in early 2023, the last witness in the case was heard in June 2017, three years after the murder. Since then, not a single investigative act was undertaken, despite requests by the Public Ministry on several occasions. In March 2018, a new GAECO public prosecutor was appointed; he called for the homicide police to carry out a number of investigative actions, to no avail. In December 2021, this process was repeated when a new public prosecutor again called for the police to carry out 38 investigative actions; the request was granted by the judge in March 2022 and officially received by police in June 2022. To fulfill these actions, the investigation was transferred from the Baixada Fluminense Homicide Division to the 10th Notary Collection Police Station (DEAC),¹¹⁹ a police unit tasked with taking on cold case work from other specialized police stations.

In September 2022, our investigators visited the 10th DEAC facilities, and noticed that working conditions for the officers were below par. Written testimonies and other items of evidence are stored as hard copy and filed in inappropriate places, where they are exposed to humidity, heat and insects. As a result, some of the documents were severely deteriorated and gave off a strong odor. According to information from police officers, obtained during another visit in December 2022, the 10th DEAC has only 5 employees who, due to the amount of work and poor working conditions, are not motivated. A police officer from this precinct told his superior in an official document¹²⁰ that he was unable to fulfill the 38 investigative actions given that he was responsible for approximately 1,500 other investigations. At the time of writing this report, none of these investigative actions have been fulfilled, and the case remains open.

A climate of fear

The fact that no-one has been prosecuted for the murder of Pedro Palma has created a climate of fear in the Miguel Pereira region. Our investigators interviewed several individuals who, out of fear for reprisals, were only willing to speak to us off the record about the circumstances surrounding the murder of Pedro Palma. We also identified crucial (eye)witnesses who have not yet spoken to the police because they fear for their own and their families'

118 O Globo. 12 November 2015. *Três são presos por fraudes aos cofres públicos em Miguel Pereira, RJ*. <https://g1.globo.com/rj/sul-do-rio-costa-verde/noticia/2015/12/tres-sao-presos-por-fraudes-aos-cofres-publicos-em-miguel-pereira-rj.html>.

119 *Delegacia de Acervo Cartorário*.

120 This document is part of the analyzed case files into the murder of Pedro Palma.

safety. Additionally, in the case files, the police mention that they feel that witnesses are holding back information, which to them is a “clear indication that fear has been instilled in people”. This helps explain why the police have had so much difficulty linking the various pieces of evidence to the perpetrators, despite finding promising and damning information in the early stages of the investigation. Based on this information, various major corruption cases were initiated,¹²¹ which led to several fraudulent schemes being exposed, gangs being dismantled and public officials involved in these schemes being arrested. Nevertheless, the information acquired through the investigation was not enough to warrant the arrest and prosecution of suspects in the case of Palma’s murder.

121 Operation Icarus, Operation Cerro & Operation Templum.

5. Going in Circles: Analysis of the official investigation

After critical examination of the official investigation, we can conclude that there was a comprehensive attempt to find Pedro Palma's murderers. However, while there is no evidence of gross misconduct or malicious intent, there were obvious flaws that hindered the investigation. These include: a series of excessive and undue delays, a significant lack of transparency and violations of the chain of custody with regard to crucial evidence.

Excessive and undue delays

The investigation into the murder of journalist Pedro Palma has been marked by a series of delays that have prolonged the process for more than nine years. One notable example, found by our investigators in the case files, is that it took a month after Pedro Palma's murder for two witnesses to be questioned for the first time. When the witnesses were finally interviewed, the police felt they were 'withholding information'. These delays have impeded the effectiveness of the investigation.

We believe that the delays in the investigation are a result of the interplay between the slow communication within the criminal justice system and the unwillingness to carry out the necessary investigative actions requested by the Public Ministry. Brazilian law establishes that a criminal investigation shall be carried out by the civil police, prosecuted by the Public Ministry, and judged by the State Judiciary.¹²² The investigation into the murder of Pedro Palma is an example of how this decentralization of a criminal investigation leads to delays.

Communication between the police, Public Ministry and state judiciary

The first request to breach telephone secrecy was submitted by the Public Ministry on 25 March 2014, almost two months after the crime occurred, and granted by the judge on 8 April 2014, after the period in which the investigation should have been completed. From then on, the investigation primarily consisted of requests for extension of the deadline and requests for new investigative actions. On 12 November 2017, 5 months after the last witness was heard, the police requested an extension of the investigation deadline. On 22 January 2018, the Public Ministry agreed to the extension and submitted three requests. But these requests remained unfulfilled and on 14 August 2018 the police requested a new deadline. The Public Ministry received the request on 19 September 2018 and responded to the police by asking for intelligence reports based on telephone interceptions on 30 October 2018. Five months later, the police requested another extension without complying with the Public Ministry's request. Hereafter, on 16 April 2019, a judge authorized the extension of the deadline. On 12 March 2020, the Public Ministry requested the intelligence reports again, which was officially granted by the judge on 29 July 2020. On 14 December 2021, the Public Ministry scrutinized the police investigation and added 38 requests for investigative actions, including the gathering of intelligence reports, pending since 2018. On 9 September 2022, the police again requested extension of the deadline, after which, the Public Ministry granted another 120 days to comply. In December 2022, Pedro Palma's widow's lawyers accessed the police files at the police station and were able to verify that no investigative actions had been undertaken up to that date.

122 Constitution of the Federative Republic of Brazil of 1988. 1988. *Art. 144, art. 129, & art. 92.*

The correspondence between the police, Public Ministry and State Judiciary shows that the delays in the investigation were not just the result of a decentralized division of tasks. At times, the communication between them was unreasonably slow, causing delays in the processing of requests and the exchange of information. For example, on one occasion in 2020, it took more than four months for the judge to respond to a simple request from the Public Ministry. In addition, it takes quite some time for the responsible bodies to process actual police files on paper. Also, it generally takes about a month to process requests submitted by the Public Ministry.

Given the fact that, for the most part the Baixada Fluminense Homicide Division was in charge of the investigation, police negligence in handling requests from the Public Ministry for investigative actions to be undertaken is remarkable. As specialized homicide divisions are better equipped to undertake investigative actions than local police stations,¹²³ there is no justification for neglecting these requests.

The excessive delays in the investigation have been a source of frustration and concern to the victim's family and the public. It also violates one of the key principles of a proper investigation, set out in the Minnesota Protocol, which recommends family liaison.¹²⁴ As of 23 December 2022 the investigation was still ongoing, and Pedro Palma's widow's lawyer had to wait approximately nine months to access the police files. At that time, it was revealed that one of the main suspects in the crime, Ratinho, had died before the complete results of the interceptions of his phone were analyzed.

The Lack of Transparency

One of the most crucial problems of the investigation by Brazilian authorities has been their unwillingness to provide information about the case. This has prevented Pedro Palma's widow from monitoring the investigation into the murder of her husband, and prevented any possibility of public scrutiny. During an interview, Palma's widow explained that she did receive updates from the authorities in the direct aftermath of the murder.¹²⁵ However, this transparency diminished soon after.¹²⁶

To compensate for the lack of transparency, Pedro Palma's family appointed a lawyer to gain access to the investigation and to take legal steps if needed. Even though the case files were eventually obtained, it had taken nearly nine years for the widow to receive any information. Unfortunately, this is not a unique situation. The near-absolute level of secrecy surrounding the investigation is indicative of the pattern of silence when it comes to murder investigations. This pattern is apparent at the systemic level: the National Council of the Public Ministry (CNMP) only released data on investigations into the murders of communicators for the first time in 2019 and could not find any data at all in more than 10% of the cases, also in individual cases such as that of Palma, where the absolute level of secrecy is presented as a matter of policy.¹²⁷ Examples of such cases, where the police apply

123 Free Press Unlimited. 2022. *An Uphill Battle: from impunity to justice for journalist murders*.

https://www.freepressunlimited.org/sites/default/files/documents/FPU_Impunity%20report_2022.pdf

124 Article 67 of the Minnesota Protocol prescribes that an experienced family liaison expert should be appointed to the family. This expert should meet with the family, provide regular updates on the investigation, and address any concerns the family might have: "A positive relationship with the family of any missing or deceased person can provide useful information and results for any investigation". <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf>

125 Interview widow Pedro Palma, 6 August 2021, Rio de Janeiro.

126 Interview widow Pedro Palma, 6 August 2021, Rio de Janeiro.

127 Conselho Nacional do Ministério Público (CNMP). *Violência contra comunicadores no Brasil: um retrato da apuração nos últimos 20 anos* (2019).

absolute secrecy and refuse to release any information on a criminal investigation, regularly make headlines.¹²⁸

This is not only problematic in light of the family's right to information about the investigation, but also further exacerbates the existing impact of these crimes on Brazil's democracy. As the case of Pedro Palma illustrates, it is also counterproductive to achieving progress in the investigation; with more opportunities for scrutiny by the widow's lawyers and the public, important evidence could potentially have been obtained and analyzed while it was still available.

SECURITY AND BRAZIL'S OBLIGATIONS UNDER INTERNATIONAL LAW

The formal investigation into the murder of Pedro Palma, as conducted by the Public Ministry, remains open to date. Until recently, the progress and steps taken in this investigation have been unclear, as the authorities have refused requests for information, citing a presumed legal obligation of secrecy. This argument is based on Art. 20 of the Brazilian Code of Criminal Procedure, which states that investigative authorities must maintain secrecy where necessary so as not to endanger the investigation.¹²⁹ In the case of Pedro Palma, however, the need for secrecy was not substantiated for all the aspects of the investigation that were withheld from the victims (Palma's family) and the public. This is in violation of international human rights law, which covers the victims' and public's right to information.

Firstly, the victims, in this case, Pedro Palma's relatives, have the right to an effective remedy. This right safeguards the victims' participation in the investigation and proceedings, including their right to access information about the investigation.¹³⁰ This right is also protected by Brazilian law, which confirms the victims' right to access to the investigation files, unless this is not possible for reasons of secrecy.¹³¹ However, under international human rights law, victims may not lightly be denied information on grounds of secrecy. In the Caracazo Case, the Inter-American Court of Human Rights (IACtHR), criticized the long-term withholding of information from victims by the Venezuelan authorities under the guise of secrecy and noted that this enabled "excessive (...) discretionary power".¹³² Several international courts and human rights bodies have acknowledged that there may be legitimate interests in keeping certain parts of the investigation confidential, but note that this should be exceptional and well-reasoned.¹³³

In the case of Juan Humberto Sánchez v. Honduras (among others), the IACtHR also links this obligation to the public's right to know under art. 19 of the International Covenant on Civil and Political Rights (ICCPR) and art. 13 of the Inter-American Convention on Human Rights (IACHR).¹³⁴ In Gomes Lund v. Brazil, the Court underlined that this right includes the "right to truth about gross human rights violations", information which

128 O Globo. 27 May 2021. *Polícia Civil impõe sigilo nas operações policiais por cinco anos, inclusive sobre o Jacarezinho onde 28 pessoas foram mortas*. <https://extra.globo.com/casos-de-policia/policia-civil-impoe-sigilo-nas-operacoes-policiais-por-cinco-anos-inclusive-sobre-jacarezinho-onde-28-pessoas-foram-mortas-25034239.html>;

Correio Braziliense. 24 July 2021. *Caso Lázaro: Polícia Civil impõe sigilo de cinco anos sobre dados da operação*.

<https://www.correio braziliense.com.br/cidades-df/2021/07/4939497-caso-lazaro-policia-civil-impoe-sigilo-de-cinco-anos-sobre-dados-da-operacao.html>;

Poder 360. 23 June 2022. *PRF impõe sigilo de 100 anos a processos de caso Genivaldo*.

<https://www.poder360.com.br/justica/prf-impoe-sigilo-de-100-anos-a-processos-de-caso-genivaldo/>;

Amnesty. March 2020. *Two years after the killing of Marielle Franco*.

<https://www.amnesty.org/en/latest/news/2020/03/brazil-two-years-after-killing-of-marielle-franco/>

129 Art. 20, Código de Processo Penal, Decreto-Lei 3689/41, http://www.planalto.gov.br/ccivil_03/decreto-lei/del3689.htm

130 Art. 2 ICCPR; See also UNGA resolution 40/34, 'Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power', 29 Nov 1985 & ICJ. *Universal Right to a Remedy: Practitioner's Guide*. 2018. <https://www.icj.org/wp-content/uploads/2018/11/Universal-Right-to-a-Remedy-Publications-Reports-Practitioners-Guides-2018-ENG.pdf>.

131 Ministério Público (2021). *Justiça Começa Pela Vítima*.

<https://www.mppi.mp.br/internet/wp-content/uploads/2021/08/CARTILHA-DIREITOS-DAS-VI%CC%81TIMAS.pdf>, p. 5.

132 IACtHR, Case of the Caracazo v. Venezuela, Judgment of August 29 2002 (*Reparations and Costs*), p. 34.

133 ICJ. 2018. *Universal Right to a Remedy: Practitioner's Guide*. <https://www.icj.org/wp-content/uploads/2018/11/Universal-Right-to-a-Remedy-Publications-Reports-Practitioners-Guides-2018-ENG.pdf>, p. 107-108.

134 IACtHR, Case of Juan Humberto Sánchez v. Honduras, Judgment of 7 June 2003, par. 186.

must be disclosed to both the next-of-kin and the public in the interest of access to justice, public discourse and heritage, public scrutiny, and to increase and maintain trust in the justice system.¹³⁵ In conclusion, the absolute and unsubstantiated refusal to provide access to the formal investigation into Pedro Palma's murder on grounds of secrecy, is in violation of international human rights provisions that are binding on the Brazilian government following its ratification of both the ICCPR and the IACHR.

THE CONSEQUENCES OF ABSOLUTE SECRECY

The fact that Palma's widow and her lawyer did not gain access to investigative updates despite persistent efforts, is a violation of one of the core principles of transparency. States should, at a minimum, be transparent about the existence of an investigation, the procedures to be followed in an investigation, and an investigation's findings, including their factual and legal basis.

Finally, the issue of lack of transparency correlates with another flaw that we identified in the investigation: undue delays. The lack of information also prevented Palma's widow from participating in the investigation. While lawyers of relatives cannot direct or dictate criminal investigations, the Brazilian legal system provides for the participation of the victim's lawyers in criminal proceedings.¹³⁶ The lawyers have the right to examine the evidence collected by the police and the public prosecutor's office, and they may make suggestions about additional evidence to be collected or witnesses to be heard.¹³⁷ Access to information is crucial for this.

Violations of the chain of custody

One of the first investigative actions the police requested from the judge was to override the right to telephone secrecy of specific individuals; this was granted on 8 April 2014. By intercepting telephone communications, police determined that the murder was connected to Palma's work as a journalist. The last request for telephone interception was authorized in 2017, for several targets, including the main suspects in the crime. Interceptions were carried out, and the recordings sent to the police, but six years later there is still no indication that these recordings were analyzed.

Three important intelligence reports have not yet been presented: one on telephone interceptions and two others on the mapping of signals by telephone antennas in the vicinity of the crime scene. The context of the crime shows that it was meticulously planned and executed, probably with the participation of several people who needed to communicate to prepare and carry out the crime. These contacts are recorded by telephone antennas, making it possible to map the signals of each suspect and compare them with witness testimony and other evidence to help identify executors and masterminds. In December 2018, the Public Ministry formally requested that this material, which they defined in their request to the judge as "essential" to the success of the investigation, be presented and analyzed; yet, at the time of writing this report, this had still not happened.

When our investigators reached out to the homicide police regarding these reports, they were informed that the raw data from the antennas had been made available to the Baixada Fluminense Homicide Division in 2017 in an email from the telephone operators. Only police officers with specific authorization from the judge are allowed to use this data (in this case there were five or six). Our investigators spoke to a police officer from the Baixada Fluminense Homicide Division. He said that he could not find the data sent in the email and that the officers authorized by the judge in 2017 no longer work at the station. It is highly likely that this data has been lost and will

135 IACtHR, Case of Gomes Lund v. Brasil, Judgement of 24 November 2010, par. 200-201.

136 Constitution of the Federative Republic of Brazil. (1988).

137 See: Brazil. Code of Criminal Procedure. (Decree-law No. 3.689, October 3, 1941, as amended through Law No. 13.964, December 24, 2019). specifically articles 261 to 267, establishes the rights of defense lawyers during the investigation phase. According to these articles, defense lawyers have the right to access the case file, examine the evidence collected, suggest additional evidence to be collected, and request the participation of experts and witnesses in the investigation.

need to be re-sent by the telephone operators. Therefore, we can conclude that the police did not store the evidence properly and subsequently lost access to crucial information.

However, it is unlikely that these companies are able to re-send the data; Brazilian data protection laws stipulate that personal data such as phone records and geolocation must be erased five years after interception.¹³⁸ In addition, the investigation is no longer being carried out at the Baixada Fluminense Homicide Division, but at the Notary Police Station (DEAC), and no police officer at that station has access to the email to which the raw data would have been sent, so the data has most likely been lost. Considering the authorities probably lost the data, and the original interceptions may have been deleted, the most likely hypothesis is that evidence that could have linked the suspects to the crime has been permanently lost. Had the authorities acted more promptly and effectively, this crucial evidence would have been preserved and there would have been no violation of the chain of custody. Furthermore, if the authorities had been more transparent, Palma's widow and her lawyer would have had the opportunity to identify the police's delay and prevent the misappropriation of evidence.

This violation in the chain of custody of crucial evidence demonstrates how lack of capacity or police reluctance to solve the case, obstructed investigations. More complex documents, those requiring intensive and specialized human work, such as the intelligence report on telephone interceptions, were lost or not analyzed properly. This seriously diminished the chances of finding Pedro Palma's killers.

138 Administrative regulations by ANATEL (Agência Nacional de Telecomunicações), which is a federal regulatory agency, mainly in Resolution 477/2007, which provides in its art. 10, item XXII, the minimum period of 5 years for data storage; The Law of Criminal Organizations (Law 12850/2013), which provides in its art. 17 the period of 5 years for the retention of data: the fixed or mobile telephony concessionaires will keep, for a period of 5 (five) years, at the disposal of the authorities mentioned in art. 15 [the chief of police and the Public Ministry], identification records the numbers of the origin and destination terminals for international, long-distance and local telephone calls.

Conclusion and Recommendations

Pedro Palma, editor-in-chief of local Brazilian newspaper *Panorama Regional*, was gunned down in front of his house on 13 February 2014, after persistently calling out the municipal administration of Miguel Pereira for corrupt practices. The murder highlights the longstanding issue of the murder of journalists, particularly of those who cover corruption in small towns in Brazil. Given that it remains unsolved, it also highlights the issue of impunity. Although some progress has been made towards getting justice for murdered journalists, in the case of Pedro Palma, who was murdered in 2014, the Brazilian authorities failed to prosecute anyone. Although the police identified several suspects, possible motives and witnesses, they were unable to link them to other available evidence. A Safer World for the Truth conducted its own investigation and found that the lack of progress in the case led to a climate of fear: important witnesses, who we could identify, were unwilling to speak on the record for fear of reprisals.

As a result of the security situation, our investigation concentrated on carrying out a thorough examination of the official investigation. We came to the conclusion that there was excessive and unnecessary delay, a lack of transparency, and a violation of the chain of custody. The excessive delays were caused by lags in the communication within the criminal justice system and the fact that the responsible homicide department repeatedly neglected requests from the Public Ministry for investigative actions to be taken. The lack of transparency was unsubstantiated and left Pedro Palma's widow in uncertainty. The violation chain of custody, may have caused an important investigative opportunity to be permanently lost.

The interplay of the three factors above also exacerbated each other. It is likely that the delays in the investigation contributed to the loss of important cell phone data. In addition, the lack of transparency was detrimental to detecting a possibility of the data getting lost, and probably contributed to the overall delays. Therefore, the Pedro Palma case shows that the lack of transparency is not a stand-alone issue, it affects all aspects of the investigation. While this does imply an investigative responsibility towards relatives, improving transparency can enhance the quality of other investigative principles. This finding is likely to be valid far beyond the case of Pedro Palma

Recommendations

To bring Pedro Palma's murderers to justice, and prevent impunity for this type of murder in the future, A Safer World for the Truth makes the following recommendations:

→ *To the Governor of Rio de Janeiro:*

Transfer the investigation from the 10th DEAC to the Baixada Fluminense Homicide Police Division without delay. The 10th DEAC is underfunded and lacks investigative capacity. Therefore, if it has authority over the case, fears about the effectiveness of the investigation are justified. The Homicide Division has qualified personnel and a better structure for the investigative actions that still need to be taken. This change in jurisdiction must be effectuated by a State Decree from the Governor, who has authority over public security matters.

→ *To the Chief delegate of Civil Police:*

Create an ad hoc specialized police team that can act promptly and efficiently in the case of a murdered journalist. This specialized police team, dedicated to investigating crimes against journalists, must include a Chief of Police and sufficient staff to comply with the outstanding investigative acts. In addition, this team must have access to resources, including specialized professionals and technology, necessary for the prompt collection and analysis of new evidence. This helps prevent violations of the chain of custody of crucial evidence, like phone records.

Improve access to information about criminal investigations, for the relatives of murdered journalists and their legal representatives, and also the general public. Pedro Palma's case demonstrates how

important transparency is for the effectiveness of the investigation. In light of that, and the public trust in investigative authorities, police policy on secrecy should be brought in line with international standards. Access to information should be the rule, and secrecy the exception. Secrecy is only permissible if authorities can demonstrate that releasing the information would unequivocally harm the investigation or endanger any fundamental right of the suspects. The investigative interest in secrecy and the public interest in transparency should be carefully weighed up, and legal grounds provided if release of information is refused. Those requesting the information should be informed of the appropriate appeal procedures.

→ *To the Public Ministry:*

Intensify external control of police activity. The Public Ministry must assume its responsibility, as expressed in art. 129, VII of the Brazilian Constitution,¹³⁹ to exercise external control of police activity. In other words, the ministry must ensure the police carry out their work in accordance with the legal and human rights principles related to the matter; this includes guaranteeing that no more than a reasonable length of time is spent investigating crimes against journalists. One way to do this is to demand that any requests to extend the deadline of an investigation must be accompanied by a justification and a detailed description of the efforts already undertaken and the difficulties encountered. If an omission on the part of a police official has been confirmed, the Public Ministry must investigate the facts and call on the police internal affairs department to rectify the omission and, if applicable, condemn the police official, since this act of omission is prohibited by law.¹⁴⁰

Develop a Criminal Investigation Procedure for crimes against journalists, in order to improve investigative performance assessments. This Criminal Investigations Procedure must be developed in accordance with internal regulations¹⁴¹ and international standards for effective investigations, such as those specified in the Minnesota Protocol¹⁴² and the Guidelines for prosecutors on cases of crimes against journalists.¹⁴³ In the Brazilian judicial system, the Public Ministry is the only body that has the authority to prosecute crimes. As it is the final recipient of all evidence of the crime, it can also conduct parallel or complementary investigations that can serve as an assessment of the police investigation.¹⁴⁴ By developing a criminal Investigation Procedure for crimes against journalists, this process can be made more effective.

139 Constitution of the Federative Republic of Brazil. Art. 129, VII: The Public Ministry's institutional functions are: (...) to exercise external control of police activity, in the form of the complementary law mentioned in the previous article.

140 A police officer who fails to comply with his legal attributions may commit a crime provided for in the Brazilian Penal Code. For example, the prevarication provided for in art. 319, if the police officer improperly delays or fails to perform an official act (...). Another example is the criminal condensation of art. 320, when it fails, by leniency, to hold accountable a subordinate who committed an infraction in the exercise of the position (...).

141 Ministério Público do Estado do Rio de Janeiro. *GPGJ Resolution No. 1678*, of 09/05/2011.

142 United Nations Human Rights Office of the High Commissioner. 2016. *The Minnesota Protocol on the Investigation of Potentially Unlawful Death; The Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*. <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf>.

143 UNESCO & International Association of Prosecutors. 2020. Guidelines for prosecutors on cases of crimes against journalists. <https://unesdoc.unesco.org/ark:/48223/pf0000375138>.

144 The Brazilian Constitution of 1988 is very recent and several provisions are still being interpreted by the Superior Courts or changed by parliament. One of these debates concerned the accusatory system and the separation of the functions of investigating, prosecuting and judging. To solve the problem, in 2011, Constitutional Amendment 37 was proposed in parliament, which intended that criminal investigations should be the exclusive activity of the police. In 2013, the proposal was rejected, consolidating the understanding that the Public Ministry has the autonomy to carry out its own investigations, when it deems it necessary.

A Safer World For The Truth